

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**JOSUE HERNANDEZ,  
ELVIN JOEL EUCEDA GARCIA,  
EUCEBIO EUCEDA - GARCIA,  
JOSE ANGEL EUCEDA GARCIA,  
AND ALL SIMILARLY SITUATED  
EMPLOYEES**

**Plaintiffs,**

**VS.**

NO. 4:12-cv-00363

**KLOSE CONSTRUCTION AND  
FABRICATION, INC. d/b/a  
BBQ PITS BY KLOSE**

## **Defendant.**

## **MEMORANDUM AND ORDER**

Plaintiffs are Josue Hernandez, Elvin Joel Euceda Garcia, Eucebio Euceda - Garcia, and Jose Angel Euceda Garcia (herein “Plaintiffs”); Defendant is Klose Construction and Fabrication, Inc. d/b/a BBQ Pits by Klose (herein “Defendant”). The Plaintiffs alleged that the Defendant violated the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 207(a)(1), by failing to pay overtime for hours worked in excess of forty hours in a work-week.

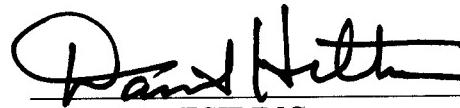
After exchanging initial disclosures and engaging in extensive settlement negotiations, the parties agreed to settle their disputes. The parties have filed a Joint Motion for Approval of Settlement which indicates that the parties wish to maintain the confidentiality of the settlement amount.

This Court finds that rights under the Fair Labor Standards Act may be validated through the private settlement of a bona fide dispute, and that this case presents such a bona vide dispute. In

light of the fact that the parties have approved the settlement, and the settlement provides almost all of the wages Plaintiffs were seeking, and based upon a careful review of the joint motion and applicable law, this Court approves the settlement.

Wherefore, the Joint Motion for Approval of Settlement is GRANTED. The case is dismissed with prejudice with each party to bear its own costs.

Signed this 28 day of Nov, 2012.



---

JUDGE PRESIDING